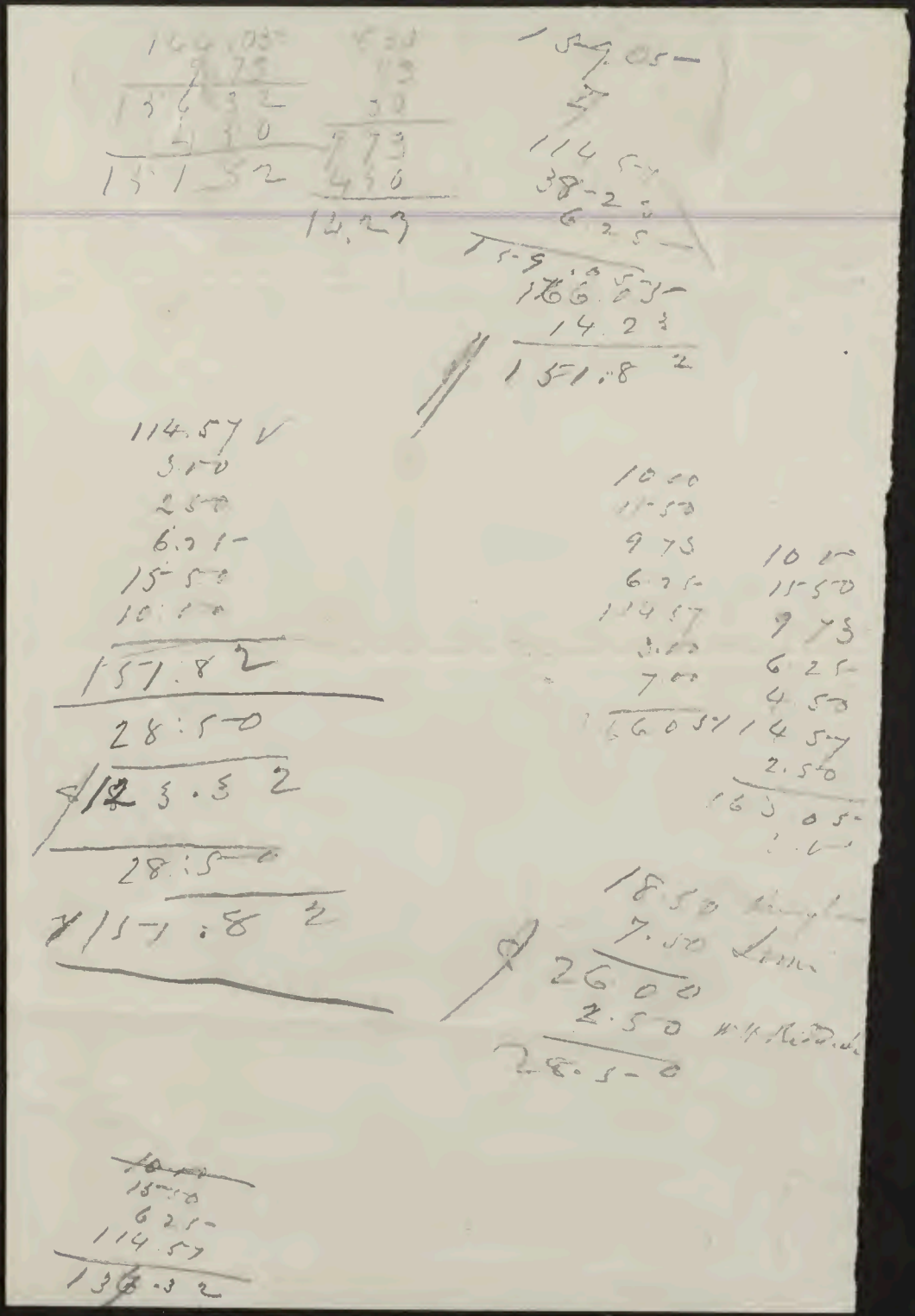
1869-009 IRWIN W DUCK ETC vs. ADMX. OF JESSE FULGHAM ETC 1869

NANSEMOND CHANCERY
(SUFFOLK)

CHANCERY CAUSES

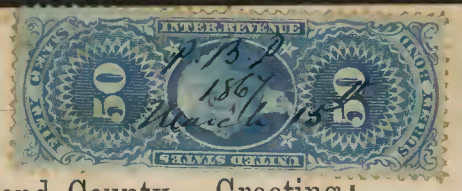
SURNAMES:



Curb -

Club . . .	$ 15:00
Atto: C	30:50
Staff . .	1.50
	$ 47:00

Carly



The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Elizabeth M. Fulgham, Administratrix of Jesse Fulgham dec'd; and in her own right as widow of said deceased; and John, Joseph, Richard and James Fulgham (the last two being under twenty-one years of age)

to appear at the Clerk's Office of our Circuit Court, for the County of Nansemond, on the first Monday in April next, 1867, being rule day, to answer a bill in chancery, exhibited against them by Irwin W. Duck, and Jacob H. Duck (who sues for the benefit of Nancy B. Duck) suing for themselves and all other Creditors of Jesse Fulgham dec'd

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 15th day of March 1867, and in the 91st year of the Commonwealth.

Peter B. Prentis. Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Executed March 22nd 1867 and a true Copy hereof delivered to Elizabeth M. Fulgham Administratrix of Jesse Fulgham dec'd John Fulgham and Joseph Fulgham

Wm Ely

Kelly. J. P.

Sarah W. Dickens

vs

Summons in Chy:

Jesse Fulgham's Admx: &c:

To Sheriff Issued 1867

Bo: B. No: 1 Page 23.

Civil Co

In the Clerk's Office of Nansemond County Court, the 15th: day of March 1867.

I do hereby certify, that on the 11th: day of September 1865: Elizabeth M. Fulgham, duly qualified, as the administrator of Jesse Fulgham deceased, in said Court (the destruction by fire of the records of said Court on the 7th: day of February 1866, preventing me from furnishing a copy of said qualification.)

Teste,

Peter B. Prentis. Clerk

(it)

$300.00

On demand with Interest payable
Annually we the Subscribed and Each
of us do promise to pay To Irvine W Duerk
his heirs or assigns the just and full
Sum of Three hundred dollars Lawful money
of Virginia For value received for the payment
of which we bind ourselves our joint and several
heirs Executors & administrators as witness our hands and seals
This 26th day of December 1856

Test

Joseph H Duerk

Jesse Judy (Seal)

(Seal)

Jesse Fulghan
to
J. Mendenhall
Note

(8)

"On demand with interest from date and payable annually we, the subscribers and each of us promise to pay to Jacob N. Duck his heirs or assigns the sum of Eight Hundred and sixty-nine dollars and 47/100 current money of Virginia for value recd: for the payment of which we bind ourselves our heirs Exors: Admrs or Assigns. As witness our hands and seals this 4th. day of March 1861.

Teste

Jesse Fulgham (Seal)

Richard Eley (Seal)"

I hereby certify that the foregoing is a copy of the bond filed in the suit at law pending in the County Court of Nansemond County, wherein Jacob N. Duck who sues for the benefit and at the costs of Nancy B. Duck is Plaintiff: and Jesse Fulgham and Richard Eley are Defendants.

Certified under my hand, at my Office, this 16th. day of March 1867.

Peter B. Prentis. Clerk

of Nansemond County Court.

(c)

Duck &c

"

Turkey and &c

3 Eskimo Pies
with Rice

KNOW ALL MEN BY THESE PRESENTS, That we John R. Kilby, Thomas J. Kilby and Peter B. Prentis

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Twenty-Five Hundred dollars, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 30th day of November in the year one thousand eight hundred and Sixty-seven, and in the 92nd year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound John R. Kilby, who was by a Decree of the Circuit Court of Nansemond County, pronounced on the 15th day of October 1867, in the Chancery Cause of Irvin W. Duck and Jacob H. Duck, who sues &c against Elizabeth M. Fulgham administratrix of Jesse Fulgham decd & others, appointed a Commissioner to make sale of certain Real Estate in said cause described, shall faithfully discharge his duties as such Commissioner under said Decree and of any future Decree that he may be required to execute in said Cause

~~shall faithfully discharge the duties of his said trust~~, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence)
of)

John R. Kilby SEAL.
Thos. J. Kilby SEAL.
Peter B. Prentis SEAL.
SEAL.
SEAL.

John R. Kelby. Commr.

To } Bond

Commonwealth

Nov. 30th. 1867 Executed & filed

we the owners of the Land belonging to Sept Fulgham dec'd, do earnestly request the Circuit Court of Nansemond County to decree a sale of the same — No rent of any moment can be had for the Land no advantage to any one to remain as now — all the heirs are of age but one She is now ~~eleven~~ Eighteen years old — we earnestly desire to settle & pay the Debts due & close up matters — Again we ask that a sale may be decreed

Given under our hands this 5th day of Oct. 1867.

E. M. Fulgham

Joshua J. Fulgham

Jno. H. Fulgham

R. D. Fulgham

Jas L. Fulgham

Mack &c.
vs
Fulghum's adm'x &c.

(X)

filed Oct. 1867

Jas. P. Johnson
v.
Lepe Dulgham estate

Int. on $104.17 from 4 Jan. 1862 to 15 May 1869
1 yr. 280 d

$113.50
6.74
$150.24

1869 May 15 Rec'd. of John R. Kelly Com'r one hundred & fifty dollars and twenty four Cents in full of above claim, paid me under decree of Sangamon Circuit Court of April Term 1868 made in the case of Duck &c. v. Dulgham &c.

$150.24.

Jas. P. Johnson

Ja. P. Johnson
Rect.

150.24

Debts due by Isaac Fulgham dec'd & to be paid under decree of Court (Dick. v. Fulgham

To Irwin W. Dick		$300.00
" Int: from 20 apl 1868 to 9 July 1869 — 1. 2. 19		29.50
" Nancy B. Dick.		869.47
" Int. from 20 apl. 1868 to 9 July 1869.		63 74
" Jas. P. Johnson	$143 50	
" Int. on $104:17 from 18 apl 1868 To 9 July 1869 — 1 yr. 2 mo 20 d.	6.74	$150:24
" Bank No.	$39.49	
" Int: on $28:74 from Do. to Do.	2 10	$41 59
To Willis Spivey	$39.55	
" Int. on $35.89, from Do. to Do	2.61	$42 16
To Hagah Johnson	$11.95	
" Int on $10.50 from Do: to Do:	80	$1 2 7 5
		$1509.45
Due P. B. Prentiss, Com'r fee	20 00.	
additional charge for repairs &c.	9 55	$29 55
		$1539.00

List of
Debts &c.

Jesse L. Fulghum
Estate.

Wm Jno. R. Kirby, Atty

You are hereby authorized to collect the Interest on my claim, my mother Nancy B. Duck's against Jesse Fulghum dec'd — whenever you can collect the same —

J M Duck

24th Oct 67

Duck

n

Fulgham

Suffolk, Va., Dec. 10th, 1867.

Mr. Jno. R. Kilby, cons.

1867 To W. B. Wellons, Ed. "C. Sun" Dr.

Nov. 18th To advertising Jesse Fulgham's land for sale - 23 lines 4 times $5.75-

Rec'd payment
W. B. Wellons
Jr. P. T. Whitley

1867 Dec. 11. Rec'd of John R. Kelly Com.
five dollars, fee for Clerk's services in
selling Lyle Fulgham's land under Decree
of Sangamon Circuit Court, of Buck E. M.
Fulgham, adt.

$5. R. H. Brinkley

At a Circuit Court held for Hanover County the
15th day of October 1867.

Irvin W. Duck and Jacob H Duck who sues for the benefit of Nancy Duck suing for themselves and all other creditors of Isaac Fulgham dec'd } Complainants

against

Elizabeth M. Fulgham administratrix of Isaac Fulgham dec'd and in her own right as widow of said deceased and John, Joseph, Richard and James Fulgham, the last two being under twenty one years of age . . . . . } Defendants

This cause came on this day to be heard on the Bill taken for confessed as to the absent defendants, on whom no copy had been duly served and they still failing to appear and make defence, and on the answer of the infant defendants by their guardian ad litem and on replication to said answer and exhibits filed with the said Bill and on paper writing marked (X) this day filed and was argued by Counsel on consideration whereof the Court adjudge order and decree that W. W Duke, Sam'l. Eley Alex'r. H. Ashburn and Wesson W Ritchen who are appointed Commissioners for that purpose any three of whom may act) proceed to set apart and appoint to Mrs Elizabeth M. Fulgham, one full and equal third in value having regard to quantity and quality of the lands, whereof her late husband died possessed.

as her Dower Interest, and which lands are described as a tract of land in Nansemond County containing Six hundred and seventy acres more or less, and adjoining the lands of Jno. Eley D. W. Drake Thos. E. Outlaw and others; and that the same Commissioners make an inventory and appraisement of the chattel estate of said deceased, now in the hands of said Elizabeth M. Fulgham, as administratrix of said deceased, and make report to Court. And the Court doth adjudge order and decree, that a Commissioner of this Court make up an account of the transactions of said Elizabeth M. Fulgham as administratrix aforesaid, and also an account of the debts and demands against Jesse Fulgham or his Estate, and their priority, and make report to Court, with any matters specially stated deemed pertinent by himself, or that any of the parties may require to be so stated. And the Court according to request of all the parties as set forth in said paper (X) this day filed in the cause and believing that the interests of all parties will be promoted and no one injured by a sale of said real estate, doth adjudge order and decree that John R. Kelly who is hereby appointed Commissioner for that purpose proceed to sell all of the said lands not

assigned as Dower, or such part thereof as may be necessary, at the Court House door of Nansemond County on some Court day in six twelve and Eighteen months next, in equal payments, with interest from day of Sale, except so much as will suffice to pay the costs of suit and expenses of Sale, which must be in cash and to be paid to those entitled/ taking bonds and good security for the purchase money and to convey the title to said lands, but the further order of the Court that he shall give at least twenty days notice of such sale by advertisement at the Court House door of Nansemond County and other public places in said County and in the Christian Sun, a Newspaper published at Suffolk, once a week, for four successive weeks and that the said Commissioner may have the aid of a Surveyor if necessary and that the said John R. Kelly, will make report of his proceedings to Court; But before any sale shall be made under this decree, he the said John R. Kelly as Commissioner as aforesaid, shall execute before the Clerk of this Court in his office, a Bond in the penalty of Twenty five hundred dollars, payable to the Commonwealth of Virginia, conditioned for the faithful execution of this decree and of any future decree that he may be required to exe

cute in this cause.

A Coby.

Test:

Peter B. Prentis. Clerk

Costs

Clerk	$15:00
Atto: d.	30:50
Shff:	1:50
	$47:00

Mack &c
vs
T. J. & Co: Decree
Philip Lewis' Assignee &c:

xmc

To the Circuit Court of Nansemond County.

The Undersigned, John R. Kilby, Commissioner appointed to sell the Lands of Jesse Fulgham dec'd, under a Decree of said Court made on the 15th day of October 1867 in a cause therein pending wherein Irvin W. Duck &c is Plaintiff and Elizabeth M. Fulgham admr. of Jesse Fulgham dec'd, &c &c Defendants, begs leave to report, that pursuant to said Decree he advertised the sale of said Lands in all respects as directed by said Decree, and did on the 9th day of December 1867, being County Court day, before the Court house door of said County, sell at auction on the terms named by said Decree the Lands of which said Jesse Fulgham died seized (after the Dower of Mrs. Elizabeth M. Fulgham therein had been duly assigned, and which part included in her Dower was not sold) and that in making such sale he divided the part sold into two parcels — (1st) a tract of Wood Land, called the King Land, containing about 175 acres more or less (about 10 acres having been cut off by marked lines attached to the Widows' Dower for wood &c) and the remainder consisting of about 180 acres, being the whole of said decedents Lands, after deducting the part assigned to the Widow and the said "King

tract" aforesaid, and at the sale so made the said Lands were purchased as follows.

The King tract of about 175 acres, by
Alex. H. Cashburn for ₶801:00

The part of about 180 acres, by
Jno L. Fulgham & Jno. H. Fulgham for } 755.00

Total sales. ₶1556.00

of which the Undersigned rec'd in
cash of Jno. L. Fulgham ₶50:00
of Alex H. Cashburn 59.12 ₶ 109.12
and paid the cash out of proceeds ₶109.12 ₶1446.88
as follows. To P.B Pendy Clerk ₶15.00
" To attorney 30.50
" " Sheriff 1.50
" " R. H. Brinkley, Crier 5.00
" " for advertising 7.00
" " recorded for 2 Deeds &c 10.00
" 5 per ct Comm on ₶ 15.00
" 2 do. on ₶1256. 25.12 ₶109.12
Nett Credit sales. ₶1446.88

For which the Undersigned took of
Jno. L Fulgham 3 Bonds each
for ₶235. dated this day & payable
at 6-12 & 18 months with Interest
from date, & to which Do. H
Fulgham is

Security - making ₶705.00

Cash Over.

amr. bot over #705:10 #1146.88
and he took of Alex H.
Ashburn, 3 bonds, each
for #247.29⅓, dated this
day & with interest from date
& payable 6-12-&18 months
after date, with M. H. Walker
and Ro. A. Penner as
security-making #741.88 #1146.88

And said Bonds are filed herewith.

Respectfully submitted
John R Kelly Comr.

1869 Dec 19 Rec'd our costs in above case
John R Kelly atty #30.50
Peter B. Prentis. Clk #15.00

1868 Oct. 28th Rec'd. of P. B. Prentis Clerk of this Court the Bonds referred to herein, delivered by Sheriff of April Court 1868, to wit. Three Bonds of Jno. L. Fulgham & Jo. N. Fulgham each for $235 due at six, twelve & eighteen months from 9th Dec 1867 — also three Bonds of A N Ashburn, M. N. Watkins & R. A. Primes each for $247.29/3 due at six, twelve & eighteen months from the date 9th of December, 1867.

John R. Kelly Com'r.

Jno W. Arnett &c.
Comm'rs Report
vs
Jno. L. Dale
&
Fulgham's Adm'r &c.

1868
July 13th Filed.
clk

$125.00 On demand I promise to pay to James P Johnson
the Sum of one hundred and twenty five dollars Current
Money For value received of him. witness my hand and
Seal This 4th day of March 1862

Test

Jesse Hudgins Seal

Jesse Fulghum
To Bond $125-

$59.55

On demand we promise to pay Willis Spivey his order or assigns the just and full sum of fifty nine dollars & fifty five cents, current money for value received. For the true payment of which we bind ourselves, heirs, Exors. Admrs &c jointly, firmly & severally as witness our hands & seals this 1st day of April 1861

Test

Jesse Tuckyleam (seal)

(seal)

10

Jesse Fulgum
In note
$59.88

346

Rec'd of Mr. E. M. Fulgham $12.76
in part payment of the note, Aug 1st 1866
Wilds Spivey

Mr. Jesse Pulgam

Bot of Baird & Co

1861				
July 21	1 Bbl Molasses		43 43	18.49
	Drayage & Boatage			.25
July 29	5 Sacks G. A. Salt, 1st Duty		20.90	
	By Cash		10.90	10.00
				$28.74

Interest until paid

State of Virginia — City of Portsmouth to wit.

Personally appeared Geo M. Baird Jr one of the firm of Baird & Co, and Jno G. Baird a clerk in the employ of the same firm, who being duly sworn do certify that the above goods were purchased by Jesse Pulgam &c? on his behalf time and that the same purchase Money or any part of the same has not been paid —

Geo. M. Baird Jr

J. G. Baird

Sworn to and subscribed before me this 28th day of March 1867

A. S. Watts

Not: Pub:

Jno. R. Kilby Esq:

Suffolk Va. Dear Sir,

Above we hand the acct of Mr. Pulgam, & leave the interest to be added. I recollect distinctly of the purchases being made of Mr. P. The molasses was ship? by Capt Ely. Our papers were so scatted by our leaving our store, that I cannot very easily get at the receipts and they may be lost. I send affidavit of myself and Mr. Jas Bain.

Yours Very Truly

Geo. M. Baird Jr.

Bain & Co.

v

Jesse Fulgham

Pend act.

Valuable Land for sale -

By authority of a Decree of the Circuit Court of Nansemond County, I shall sell before the Court house door of said County on Monday the 9th day of December 1867. The Lands of which Isaac Fulghum died possessed (except that part assigned to the widow) - to wit: — 190 acres valuable Timber Land near Mr Sam'l Eley's about 6 miles from Decompts Landing & 1½ from a saw mill on the Norfolk & Petersburg Railroad. The timber consists of pine, hickory & oak. also about 200 acres mostly cleared adjoining. These Lands are in a good neighborhood and are desireable. Terms of the sale - The costs & expenses will be cash - the Balance on a credit of six, twelve, and eighteen months with Interest from date with Bond & good security & the title to be withheld 'till the further order of the Court.

5th Nov 1867

John R. Kilby
Com.

~~Fulgham~~
~~J. Lewis~~

$ 801. S.W.a.
$ 753 J. Fulgham

John L. Fulgham

753
50
705

235
3
705.

To the Circuit Court of Nansemond County.

The Undersigned respectfully reports to Court that pursuant to the decree of the 20th day of April 1868, made in the cause depending in said Court, wherein Irvin W. Duck &c are plaintiffs and Lefe Fulghum's adt. &others, are Defendants, he has received of the Clerk of said Court the Bonds of Alex. H. Ashburn &others, and of John L. Fulghum and others, and has collected the same, & made to the purchasers of the real estate sold under proceedings had in this cause, with special warranty in the usual form,

The following statement will show the amount collected & how paid out. - to wit.

By amo. of Alex H. Ashburn's (1st) Bond	$247:29 1/3
Int. from 9th Dec. 1867 to 9 July 1869	23.48 2/3
By amo. of Alex H. Ashburn 2d Bond	247:29 1/3
Int from 9 Dec 1867 to	23.48 2/3
By amo. of Alex H. Ashburn 3d Bond	247:29 1/3
Int. from 9 Dec 1867 to	23.48 2/3
	$812:34
By Jno. L. Fulghum, 3 Bonds at 6 & 12 & 18 mos. from 9 Dec 1867 each $235	705.00
Int. from 9 Dec 1867 to	67.37
Carr. on	$1584.71

By amo. bro. in $1584.71

I paid the same out as follows:

" P. B. Prentis, Com'r fee	$20.00
" Jas. P. Johnson Sett & Dft.	150.24
" Irvin W. Duck.	329.50
" Nancy B. Duck.	933.21
" Bain & Bro.	41.59
" Willis Spivey	42.16
" Isajah Johnson	12.75.
" fee for reports &c.	9.55 = $1539.00
	$55.71

I paid I. W. Duck & Nancy B. Duck, costs expended by them & refunded by parties, as interest charged } 55.71

Deed with special warranty has been made to the purchasers of the real estate sold.

Respectfully submitted
John R. Kilby
Com'r.

1869 July 9th Rec'd of John R. Kilby
Com'r. the several amounts set opposite
our names, being respective amounts
due us in the cause above referred to.

Bain & Co.	by John R. Kilby atty.	$ 41.59
Isajah Johnson	by John R. Kilby "	12.75
I. W. Duck	by John R. Kilby "	329.50
Nancy B. Duck	by John R. Kilby "	933.21
Willis Spivey	by John R. Kilby "	42.16
Peter B. Prentis.	Clerk	20.00

Duck &c

vs } Report of Distribution

Fulgham &c

1869
Septr: 11th: Filed.
clk:

At a Circuit Court held for Nansemond County, the 15th: day of October 1867.

Irvin W. Duck and Jacob H. Duck, who sue for the benefit of Nancy Duck suing for themselves and all other Creditors of Jesse Fulgham decd. . . . . Complainants.

Against } In Chancery

Elizabeth M. Fulgham, Administratrix of Jesse Fulgham decd, and in her own right as widow of said deceased: and John, Joseph, Richard and James Fulgham: the last Two being under twenty-one years of age. . Defendants.

In this Cause, it was, among other things, adjudged, ordered and decreed "That a Commissioner of this Court, make up an account of the transactions of said Elizabeth M. Fulgham as administratrix aforesaid; and also, an account of all debts and demands against Jesse Fulgham or his estate, and their dignity, and make report to Court, with any matters specially stated, deemed pertinent by himself, or that any of the parties may require to be so stated".

Extract:

Teste,

Peter B. Prentis. Clerk

Duck &c

Ext Ext Extract from Decree

Fulgham's admr: &c.

Commissioner's Office
Suffolk Va: December 16th: 1867

To Irwin W. Duck and Jacob H. Duck, who sue for the benefit of Nancy Duck suing for themselves and all other creditors of Jesse Fulgham decd . . . . . Complainants

In Chancery

And Elizabeth M. Fulgham, administratrix of Jesse Fulgham decd, and in her own right as widow of said deceased, and John, Joseph, Richard and James Fulgham . . . . . Defendants.

You are Hereby notified, that I have fixed upon Friday, the 17th: day of January 1868, if fair, if not, on the next fair day thereafter (Sunday excepted) to take and settle at my Office, the following accounts required to be taken by the Decree of Nansemond Circuit Court, rendered on the 15th: day of October 1867, in a suit in Chancery depending in the said Court, and in which you are parties, Complainants and Defendants:

First: An account of the transactions of Elizabeth M. Fulgham as Administratrix of Jesse Fulgham deceased.

Second:— An account of all debts and demands against Jesse Fulgham or his estate and their priority.

At which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Peter B. Prentis.
Commissioner

Service of this notice acknowledged
for all the parties

Dec 16th 1867.

John R. Kelly
atty.
Peter B. Prentis, q. Dr
ad litem for infant defts:

Acco. No: 1

Dr: The Estate of Jesse Fulgham deceased,
In Account with Elizabeth M. Fulgham Admenistratrix. Cr:

	The Admx: qualified in the County Court of Nansemond County, Septr: 11th 1865				
1867. May 25	To Cash paid Dr: Jno: T. Phillips, per med: bill rect:		7	50	
" " 27	" do do Jones & Co do do		6	25	
" July 9	" " " John Jenkins " "		4	25	
" Aug: 17	" " " Dr: S. C. Haynes med: "		8	50	
" " 22	" " " L. D. Peck & Co "		45	00	
	" " " Shff: Taxes for 1866 & 1867 " "		20	95	
	By amo: of Chattel property taken by the Admx: at its appraised value (see appraisement filed with papers in the Cause)		"	"	$148 00
" "	To Cash paid Geo: F. Hall, per acco: rect		45	55	
	" do returned to my Clerk of Nansemond County Court, for fees due by deceased in his life time & by Admx: since her qualification		10	00	" "
" " "	Comm: waived by Admx:		00	00	" "
			$148	00	$148 00

No Bal: due to or by Admx:

Acco: No: 2

An Account of all Debts and Demands against Jesse Fulgham or his estate and their dignity.

First Class — None

Second Class — None

Third Class — None

Fourth Class.

Creditor's Atty				
Kilby	To I. W. Duck	Bond	$300 00	
	all claim for interest waived . . .		00 00	$300 00
Kilby	To Nancy B. Duck	Bond	$869 47	
	all claim for interest waived . .		00 00	$869 47
Kilby	To James P. Johnson		$104 17	
	" int: fm: 4th: Jany: 1862 to 18th apl: 1868 . .		39 33	$143 50
Kilby	To Bain & Co:	Acco:	$28 74	
	" int: fm: 1st: Jany: 1862 to 18th: april 1868		10 85	$39 59
Kilby	To Willis Shivey	Bond	$59 55	
	" int: fm: 1st: april 1861 to 6th. aug: 1864		19 10	
			$78 65	
	Cr:		42 76	
			$35 89	
	" int: fm: 6th: August 1864 to 18th apl: 1868 .		3 66	$39 55
Kilby	To Isiyah Johnson	Acco:	$10 50	
	" int: fm: 1st: Jany: 1866 to 18th apl: 1868		1 45	$11 95
	Total Debts . . .			$1404 06

Commissioner's Office, Suffolk, Va:
January 17th: 1868.

To The Circuit Court of Nansemond County:

Your Commissioner to whom was referred the Decree of the 15th: day of October 1867, in the Chancery Cause of Irwin W. Duck & al: suing for themselves &c, Complainants vs Elizabeth M. Fulgham Admx: of Jesse Fulgham decd & al: Defendants, for making up an account of the transactions of said Elizabeth M. Fulgham, as administratrix of Jesse Fulgham deceased, and also an account of all debts and demands against Jesse Fulgham or his estate and their dignity; reports to the Court, that on the 16th: day of December 1867, he issued notices against the parties, plaintiffs and defendant, aforesaid, requiring them to attend the taking and settling the said accounts before him, at his Office, on this day; that the parties, by their Attorney, appeared accordingly. That he has stated and settled the foregoing account of the transactions of Elizabeth M. Fulgham, Admx: of Jesse Fulgham decd. (Marked Acco: No: 1) by which it will be seen that no balance is due to or by the Admx:

That by account (Marked No: 2), your Commissioner reports the amount of all debts and demands against the aforesaid decedent or his estate and their dignity, to be $1404.96 on the 18th day of April 1868 (the interest thereon having been computed up to that period) said debts being of the Fourth Class. That your Commissioner further reports to the Court, that after the completion of said Accounts, he retained the same in his Office ten days, for the examination of the parties, during which time no exceptions were filed

thereto, and now the same with the Deed, Notice & Acknowledgment of its service, are returned herewith.

Given under my hand as Commissioner aforesaid the day and year first aforesaid

Peter B. Prentiss.

Commissioner

Irwin W. Mack &c

vs

Comms: Return

Jesse Tilghman's Admx:

&al:

1868

Jany: 7th Completed &
filed in my Office.
Peter B. Prentiss.
Comm'r.

1868. Jany: 31st. Filed.
C.W.K.

At a Circuit Court held for Nansemond County, the 15th: day of October 1867.

Irwin W. Duck and Jacob H. Duck, who sue for the benefit of Nancy Duck: suing for themselves and all other creditors of Jesse Fulgham decd. Complainants

Against } In Chancery

Elizabeth M. Fulgham, administratrix of Jesse Fulgham decd, and in her own right as widow of said deceased; and John, Joseph, Richard and James Fulgham: the last two being under twenty-one years of age . . . . . Defendants.

In this cause, it was, among other things, adjudged, ordered and decreed, "that D. W. Duke, Saml. Eley, Alexr. H. Ashburn and Dixon W. Kitchen, who are appointed Commissioners for that purpose, any three of whom may act, proceed to set apart and assign to Mrs: Elizabeth M. Fulgham, one full and equal third, in value, having regard to quantity and quality of the lands whereof her late husband died possessed, as her Dower therein; and which lands are described as a tract of land in Nansemond County, containing Six Hundred and seventy acres, more or less, and adjoining the lands of Saml. Eley, D. W. Duke, Thos. E. Outland and others; and that the same Commissioners make an Inventory and appraisement of the Chattel Estate of said deceased, now in the hands of said Elizabeth M. Fulgham, as administratrix of said deceased, and make report to Court."

Extract: Teste,

Peter B. Prentis. Clerk

Duck &c

Extract from Decree

Fulgham's admx: &c:

An Inventory and appraisement of the property belonging to the Estate of Jesse Fulgham. Dec'd. taken on the 23rd day of November 1867.

6 cane bottom Chairs	6	00
1 Safe	5	00
1 Mirror	1	50
1 Gun	3	00
1 lot of crockery ware	3	50
1 bed & furniture	20	00
1 bed	13	00
1 wash bowl & pitcher	1	50
1 looking Glass		75
1 Bed	13	00
1 pr balances.	3	00
1 Cart & wheels.	5	00
1 double plow	5	00
1 drag		75
1 old plow & two Ox yes.		50
1 lot carpenters tools	1	50
1 pitch fork		50
1 humble cart	1	00
1 wagon	50	00
1 grind Stone	1	50
1 Cauldron	12	00
	148	00

Amount brought forward	148	00
1 Whole mice & rubbish	15	00
1 Lot of Old Iron	4	00
15 Sheep	22	50
1 Sorrel mare	150	00
1 ox		50
[illegible]	[illegible]	
1 Yoke oxen	75	00
1 Cow	16	00
1 do	20	00
1 do	10	00
1 Steer	10	00
Total amo.	$471	00
1 Rock U.S. S.S. Brig Consit for vacant accts	14	15
1 Note U.S. D.H. Burke due May 4th 1861	18	25
1 " " Jas. A. Combies due Feb'y 18 1862 (Doubtful)	6	67
1 Rock " Geo Gay made in 1858	3	37
1 Note " Stephen Henderson due Nov. 13th 1861	32	37
1 " " W.W. Draper due Jan 14th 1861	31	00
1 Quebec " E. Flowers due Aug 25th 1856	10	85

Nansemond County.

We certify that we have to the best of our judgment appraised the Chattel estate of Isaac Hudgins dec'd. as per foregoing list—

A.N. Ashburn
Samuel Eley
Dixon W. Kitchen
} appraisers

Isaac Fulgham's

Inventory and

appraisement

filed 9th Decr: 1867

ck

In the Circuit Court of Nansemond County.

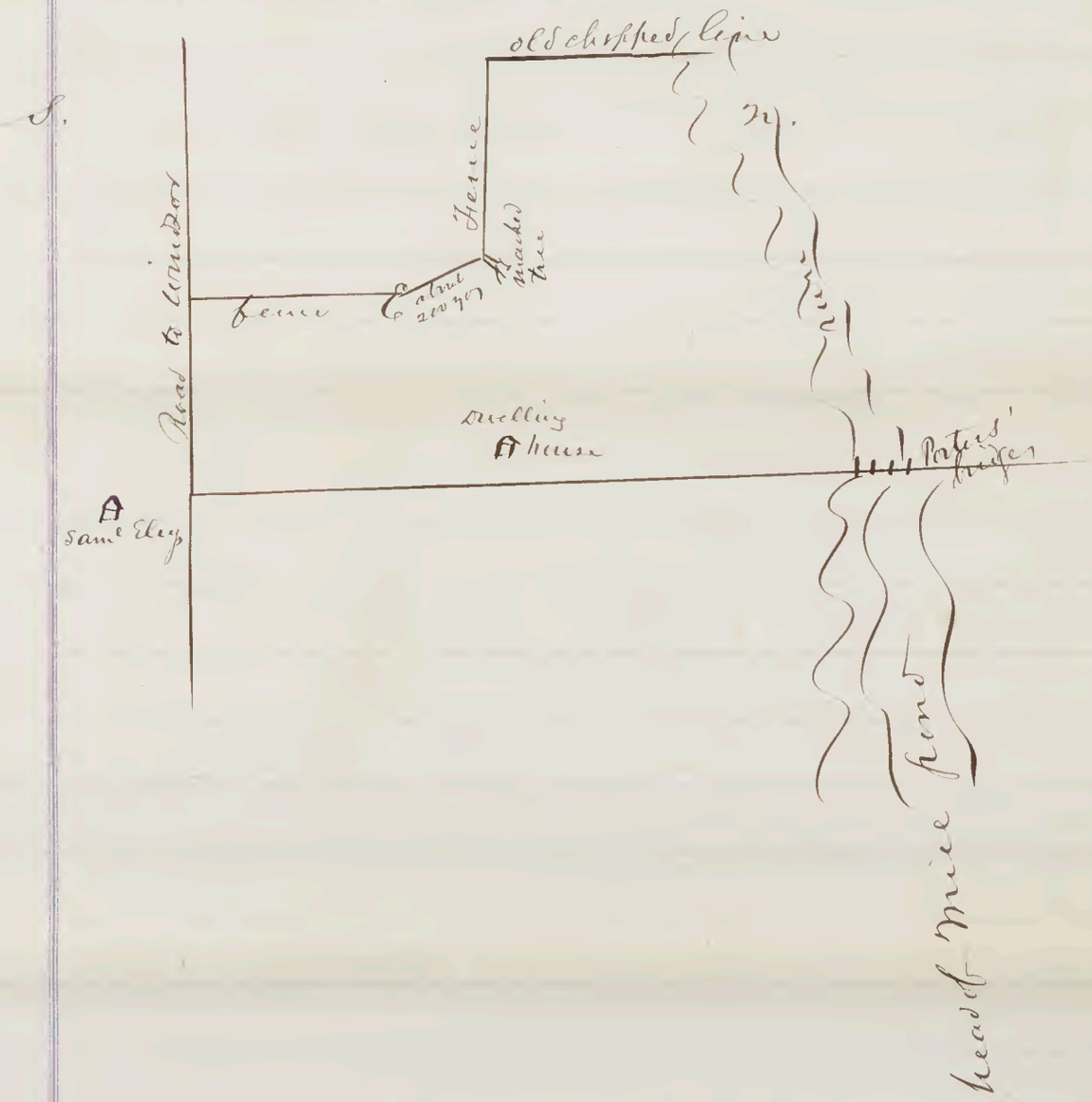
The undersigned Commissioners, appointed by a decree of said Court made on the 15th day of October 1867, in the cause therein pending wherein Irvin W. Duck &al. are plaintiffs and Elizabeth M. Fulgham admx. of Jesse Fulgham deceased &others are Defendants, beg leave to report, that we met on the premises referred to in said decree, on the 22d day of Nov. 1867 & proceeded to execute said decree; and we assigned to said Elizabeth M. Fulgham widow of said deceased, for life, one third in value of the lands whereof her said husband died possessed, as & for her dower therein; and which dower is described as follows — Beginning at Porters' Bridge, in the County road, thence westwardly up the various courses of the run to an old line between the Pierce and Archer tracts — then Southwardly along said old chopped line to an old fence at a pine, thence Eastwardly along outside the fence to a marked tree — then Southeastwardly along the fence about two hundred yards, thence Southwardly, course along a fence to the main road, leading from Suffolk to Windsor, thence along around the main road, to the beginning, a diagram of the

said Drive is annexed —

Respectfully submitted

A H. Ashburn
Samuel Eley
Dixon W. Fitchen
} Comrs.

Diagram referred to above



Duck &c.

v

Fudgham's adv. &c.

Comm Report, shipping

Dover.

1867. Decr: 9th. Filed. clk

Duckett. v. Dulgham &c.

This cause came on this day to be again heard on the papers formerly read & on the Report of John R. Kilby, Comr. made pursuant to the decree of the 20th of April 1868 — to which report no exception has been filed, and was argued by Counsel; On Consideration whereof the Court doth Confirm the said report and doth adjudge, order and decree that the proceedings had in this cause be confirmed, & that the cause be removed from the Docket.

Deeds

v.

Fulsham &c.

1869

Ord. C.

Final decree

To be Entered

E. P. Pitt

entered

Virginia:

At Rules held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 1st. day of April 1867.

Irvin W. Duck; and Jacob H. Duck (who sues for the benefit of Nancy B. Duck) suing for themselves and all other creditors of Jesse Fulgham decd. . . . . Complainants.

against } In Chancery

Elizabeth M. Fulgham, administratrix of Jesse Fulgham decd; and, in her own right as widow of said deceased; and John, Joseph, Richard and James Fulgham (the last two being under twenty-one years of age . . . Defendants.

On the motion of the Complainants, by Counsel; Peter B. Prentis is appointed guardian ad litem, to defend the infant defendants in this suit; and, it is ordered, that notice be given the said guardian of his appointment, by serving on him a copy of this order.

Teste,

Peter B. Prentis. Clerk

1867. April 1st. I acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis.

g.d. as Litem

Irwin W. Duck &c

vs

Order adjtg: 2d Mo:
25 Ctcem

Jesse Fulgham's admx:
&nl:

At a Circuit Court held for Nansemond County the
20th day of April 1868.
Irwin W Duck and Jacob H Duck who
sue for the benefit of Nancy Duck suing
for themselves and all other creditors
of I. S. Fulgham dec'd ..... Complainants
against &c. In Chancery.
Elizabeth M Fulgham, administratrix
of I. S. Fulgham dec'd and in her own
right as widow of said deceased and
John, Joseph, Richard and James Fulg-
ham, the last two being under twenty-
one years of age ..... Defendants
This Cause, came on this day to be again heard
on the papers formerly read, and on the reports
made respectively by John R Kelly and Peter B Prentis
under the decree of the 15th day of October 1867. to which
reports there is no exception and was argued by Counsel.
On Consideration whereof the Court doth confirm the said
reports, and doth adjudge order and decree, that
John R. Kelly, the Commissioner who made sale of the
Real Estate named in the proceedings, to receive of
the Clerk of this Court, who will deliver the same to
him, the several Bonds filed in the cause of Albert
H Ashburn and others and of John I. Fulgham and
others, and proceed to collect the same, and out of
the proceeds pay any costs that may remain unpaid,
and then pay the several debts reported by said Peter B.
Prentis Commissioner in his said Report, to wit:

To Isom W. Duck, Three Hundred Dollars, to Nancy B. Duck, Eight Hundred and Sixty nine Dollars and forty seven cents, To James P. Johnson One Hundred and forty three dollars and fifty cents with Interest from the 18th April 1868, on one hundred and four dollars and seventeen cents part thereof. To Baen H. Thirty nine dollars and forty nine cents with like interest on twenty eight dollars and seventy four cents part thereof; To Wiley Spivey Thirty nine dollars and fifty four cents with like interest on Thirty two dollars and Eighty nine cents part thereof. To Enoch Johnson, Eleven Dollars and Ninety five cents, with like interest on Ten Dollars and fifty cents part thereof. And that the said John R Kelly as Comm'r aforesaid, make to the said Alexander H. Ashburn and John L. Pulgham respectively Deeds with special warranty in the usual form, for the real Estate purchased by them under the proceedings had in the cause, and make report to Court.

A Copy:

Test,

Peter B. Perkins. Clerk.

Unpaid Costs

Comm'r. $20.00

Xmas

Irwin V. Duck Adl:

05 4 & Co: Decree

Jesse Fulgham's Admx: Adl:

Duck v. Fulgham &c.

This cause came on this day to be heard on the Bill taken for confessed as to the adult defendants, on whom process had been duly served and they still failing to appear & make defence: & on the answer of the infant defendant by his guardian ad litem, on application to said answer & exhibits filed with the said Bill & (on paper writing marked (A) this day filed) and was argued by Counsel: on consideration whereof the Court doth adjudge, order & decree that D. W. Duke, Saml. Eley, Alex. H. Ashburn and Dixon W. Kitchen, who are appointed Comrs. for that purpose, any three of whom may act) proceed to set apart and assign unto Mrs. Elizabeth M. Fulgham, one full and equal third in value (having regard to quantity and quality) of the lands whereof her late husband died possessed, as in the Bill mentioned; and which lands are described as, a tract of land in Nansemond County, containing six hundred and seventy acres, more or less, and adjoining the lands of Saml. Eley, D. W. Duke, Thos. E. Outland and others; and that the same Comrs. make an Inventory and appraisement of the Chattel estate of said deceased now in the hands of said Elizabeth M. Fulgham as adm.x of said deceased and make report to Court —

And the Court doth adjudge, order & decree

that a Comr. of this Court make up an account of the transactions of said Elizabeth M. Fulgham as adm.x aforesaid, and also an account of all debts and demands against said Jesse Fulgham or his estate and their priority; and make report to Court with any matters specially stated deemed pertinent by himself or that any of the parties may require to be so stated.

And the Court, according to request of all the parties, as set forth in said paper (X) this day filed in the cause, and believing that the interests of all parties will be promoted, and none injured, by a sale of said real estate, doth adjudge, order & decree that John R. Kelly (who is hereby appointed Comr. for that purpose) proceed to sell all of the said lands not assigned as Dower, or such part thereof as may be necessary, at the Court house door of Hancock County on some Court day, on Six, twelve & Eighteen months credit in equal payments, with interest from day of sale, ~~the lands aforesaid (except that part assigned as Dower,)~~ except for a sum sufficient to pay the costs of suit and expenses of sale, which will be in cash & be paid to those entitled), taking bond & good security for the purchase money and retain the title to said lands till the further order of Court: that he shall give at least twenty

day notice of such sale by advertisement at the Court house door of Isaac and County & other public places in said County and in the "Christian Sun" a newspaper published at Suffolk, once a week for four successive weeks; and that the said Comr. may have the aid of assistance if necessary; and that the said John R. Kelly give make report of his proceedings to Court.

But before any sale shall be made under this decree, the said John R. Kelly as Comr. as aforesaid shall execute before the Clerk of this Court in his office a Bond in the penalty of $2500, payable to the Comth: of Va. conditioned for the faithful execution of this decree & of any future decree that he may be required to execute in this cause.

Duck &
v
Fulgham &

1867

Colo. Ct. Dunn

Ord to be entered.
R. H. Baker

Entered

Duck &c. vs. Dulgham &c

This cause came on this day to be again heard on the papers formerly read and on the Reports made respectively, by John R. Kelly & Peter B. Pruitt, under the decree of the 15th day of Oct 1869, to which reports there is no exception, and was argued by Counsel: On consideration whereof the Court doth confirm the said Reports & doth adjudge, order and decree that John R. Kelly the Com. who made sale of the real estate named in said proceedings, receive of the Clerk of this Court (who is directed the same to him) the several Bonds filed in the cause of Alex. D. Ashburn &others & ot. Wm. L. Dulgham &others, and proceed to collect the same and out of the proceeds pay any costs that may remain unpaid, and then pay the several debts reported by said Peter B. Pruitt Com. in his said Report, to wit: To Irwin W. Duck $300.: To Nancy B. Duck $869.47. To James P. Johnson $143.50 with Interest from the 18th April 1868 on $104.17 part thereof — To Bain & Co. $39.54 with like Interest on $28.74 part thereof — To Willis Spivey $39.55 with like Interest on $35.89 part thereof — To Drajah Johnson $11.95 — with like Interest on $10.50 part thereof.: and that the said John R. Kelly, as Com. is aforesaid make to

the said Alexander D. Ashburn and John L. Fulgham, respectively deeds with special warranty in the usual form for the real estate purchased by them under proceedings had in this cause, and make report to Court.

Duvall &c
vs.
Fulgham &c

1868
Chancery Court
Decree

To be recorded
R. W. Parker
Clerk

Filed

The Joint and Separate answer of Richard and James Filgham, infants, under the age of twenty-one years, by Peter B. Prentes, their guardian ad litem, to a Bill in Chancery exhibited against them and others by Irwin W. Duck &c. in the Circuit Court of Nansemond County.

These Respondents say, that so far as they know or believe, the facts set forth in said Bill are true: but, as they are ignorant of their rights, being infants, they submit the same to the Court, and pray, that no order or decree may be made inconsistent therewith.

(Signed)

Peter B. Prentes.

g.d.a.l.

Irwin W. Duck &c

vs } Answer of Defendts
by Sol: to Clerk

Jesse Fulgham's admr: &c

To the Hon. Richard N. Baker, Judge of the Circuit Court of Nansemond County,

Complaining, shew unto the Court, your Complainants Irvin W. Duck; and Jacob N. Duck (who sue for the benefit of Nancy B. Duck) suing for themselves and all other creditors of Jesse Fulgham deceased.

Your complainants respectfully represent to the Court and say, That Jesse Fulgham of Nansemond County, departed this life on the day of Intestate, possessed of a small Chattle estate, some negro slaves, and a tract of Land in Nansemond County, Containing by estimation Six Hundred and Seventy ——— acres more or less (and adjoining the Lands of Saml. Eley, D. W. Duke, Thos. E. Outland and others — That the negroes have been emancipated by the results of the recent war, and the houses on the said Land were burnt by the Federal army during the war.* — That Elizabeth M. Fulgham the widow of said deceased, qualified as the administratrix of said decedent's estate on the 11th day of Sept. 1865 in the County Court of ~~Nansemond~~ Nansemond County ~~[illegible]~~ as will be seen by a copy of the order of said Court granting such administration filed herewith & marked (A). That the said administratrix took

*: That the deceased left as his heirs at Law and distributees his widow, Elizabeth M. Fulgham, and four children, Alice, Jesse, Rebecca & James, the last two being under 21 years of age.

charge of the small Chattel estate of said deceased, and should account for the same — That the said Jesse Fulgham died indebted to your Complainant Irvin W. Duck, the sum of Three hundred dollars with Interest from the 26th Day of December 1856. as may be seen by reference to the Bond filed herewith and marked (B.) — That the said Jesse Fulgham also died indebted to said Nancy B. Duck the sum of Eight hundred and sixty nine dollars and forty seven cents, with Interest from the 4th day of March 1861, as will appear by a Bond signed by said Jesse Fulgham and Richard Eley & payable to said Jacob H. Duck, and which has been transferred to said Nancy B. Duck, filed in a suit at Law in Nansemond County Court, & by a copy of said Bond filed herewith & marked (C).

That the personal and Chattel estate of said Jesse Fulgham is wholly inadequate to pay his debts & that his real estate will have to be sold for that purpose, and which your Complainants pray may be done. In Consideration whereof and as this Court has power to grant all proper relief, To the End your Complainants pray that Elizabeth M. Fulgham administratrix of Jesse Fulgham dec'd & in her own right as widow of said deceased; & John; Joseph; Richard & James Fulgham, the last two under twenty one years of age, may be made defendants hereto & be required to answer the allegations

herein. That the said Elizabeth Fulgham as such admx. may be required to settle her accounts and pay over any Balance in her hands to your Complainants: That the Dower of said Elizabeth M. Fulgham in said Lands may be assigned to her, and that the remainder of said Lands or so much as may be necessary may be sold to pay your Complainants' demands, and that such other relief may be granted as may be consistant with Equity.

And your Complainants will &c.

John R. Kilby p. q.

Kelly p. v

Irwin W. Duck &c.

vs } Bill

Jesse Dalghaus adm't
dec'd.

Nansemond Cir. Ct.

Irwin W. Buck &c
vs & Chy: Notes
Jesse Fulgham's Admx: Val:
1867. March 15th Summ: in Chy: issued
" Apl: 1st: Bill &c: filed — Conditional decree vs adult defts:
" " " P. B. Routes, Apptd Guar: ad litem to infant defts:
who filed their answer, to which there was a gen:
replication & cause set for hearing, as to them, on
Mo: of Caufields Atty:
" May 6th: Conditional Decree confirmed & cause
Set for hearing, on Mo: of Caufields Atty:
" Oct: 15th Decree assigning Dower & for Sale &c
" Nov: 30th Comm: (of Sale) bond taken & filed
" Dec: 9th: Report of Dower & Inv: & Apprst: of
Chattel Estate filed
1868. Jany: 31st: Commr: Brents' Report filed
" Feby: 13th Report of Sale filed.
" Apl: 20th: Decree to collect & pay debts &
" Octo: 14th: Continued
1869. April 21st: Continued
" Septr: 11th: Report of Distribution filed
" Octo: 12th Final Decree

Chy: Nelex